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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,269	08/22/2003	Steven Lingafelt	9407-5	2069
20792 7590 11/27/2007 MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			EXAMINER SIDDIQI, MOHAMMAD A	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/647,269

Applicant(s)

LINGAFELT ET AL.

Examiner

Mohammad A. Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-23 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 4, 5, 9-12, 15-17, and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al. (7,269,649) (hereinafter Brown).

4. As per claims 1, 12, and 17, Brown discloses a method, a computer program product and system of providing status information to a device attached to an information technology infrastructure utilizing a device

monitoring application resident at the device, the device monitoring application utilizing signature data to monitor data associated with the device and selectively provide messages based on a correspondence between signature data and data associated with the device (col 4, lines 52 to col 5 line 2; col 5, lines 13-52; col 6, lines 28-34), comprising:

incorporating a message signature in the signature data (col 3, lines 29-42; col 4, lines 52 to col 5 line 2);

monitoring data associated with the device utilizing the device monitoring application so as to detect a presence of the message signature in the monitored data (col 5, lines 13-51); and

providing a status message utilizing the device monitoring application if the presence of the message signature is detected in the monitored data (col 5, lines 13-51; col 6, lines 45-48), wherein the signature data includes computer virus signatures and the message signature is not related to a computer virus (col 4, lines 52 to col 5 line 2; col 5, lines 13-52; col 6, lines 28-34).

5. As per claims 4, 15, and 20, Brown discloses the device monitoring application comprises an antivirus application (col 3, lines 28-51).

6. As per claims 5, 16, and 21, Brown discloses the message signature comprises a non-virus communication (col 4, line 60 to col 5, line 2).

7. As per claim 9, Brown discloses the device monitoring application comprises an intrusion detection application (col 3, lines 29-51).

8. As per claim 10, Brown discloses the device monitoring application comprises a firewall application (col 1, lines 49-57).

9. As per claim 11, Brown discloses the monitoring data associated with the device comprises monitoring incoming data received by the device (col 3, lines 29-51).

10. Claims 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Lahti et al. (2002/0042886) (hereinafter Lahti).

11. As per claim 22, Lahti discloses a method of communicating registration information in an information technology infrastructure comprising: using antivirus software to communicate a request for device registration and/or instructions regarding how to register a device to an unregistered device in the information technology infrastructure (page 2

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para #0024-#0025).

12. As per claim 23, Lahti discloses using antivirus software to detect a message signature and to communicate registration a request for device registration and/or instructions regarding how to register a device to the unregistered device when the message signature is detected (please see discussion software virus protection, page 2, para #0024-#0025).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 2, 3, 6-8, 13-14, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (7,269,649) (hereinafter Brown) in view of O'Toole et al. (7,024,548) (hereinafter O'Toole).

15. As per claims 2, 13, and 18, Brown fails to specifically disclose identifying an internet protocol (IP) address for one or more devices that are

not registered with the information technology infrastructure. However, O'Toole discloses identifying an internet protocol (IP) address for one or more devices that are not registered with the information technology infrastructure (col 12, lines 62 to col 13, line 2, col 13, lines 45-52). It would have been obvious to one having ordinary skill in the art to incorporate the teachings of auditing and tracking changes to existing network configuration of a device taught by O'Toole into the system of the Brown to detect network activity governed by malicious code transmitted by device because it will provide detection of malicious code entering and leaving a system.

16. As per claims 3, 14, and 19, claims are rejected for the same reasons as claim 1, above. In addition, O'Toole discloses sending the message signature to the identified IP address (identifying that may have been hacker via change notification message, col 12, line 62 to col 13, line 14).

17. As per claim 6, Brown explicitly does not disclose a status message comprises providing a request to register the device in the information technology infrastructure. However, O'Toole discloses providing a status message comprises providing a request to register the device in the information technology infrastructure (challenge request, col 18, lines 11-41). It would have been obvious to one having ordinary skill in the art to

incorporate the teachings of auditing and tracking changes to existing network configuration of a device taught by O'Toole into the system of the Brown to detect network activity governed by malicious code transmitted by device because it will provide detection of malicious code entering and leaving a system.

18. As per claim 7, Brown explicitly does not disclose a status message comprises providing instructions to register the device in the information technology infrastructure. O'Toole discloses providing a status message comprises providing instructions to register the device in the information technology infrastructure (new configuration, col 18, lines 11-41). It would have been obvious to one having ordinary skill in the art to incorporate the teachings of auditing and tracking changes to existing network configuration of a device taught by O'Toole into the system of the Brown to detect network activity governed by malicious code transmitted by device because it will provide detection of malicious code entering and leaving a system.

19. As per claim 8, Brown explicitly does not disclose a status message comprises providing an emergency message. However, O'Toole discloses providing a status message comprises providing an emergency message (message via alternate channel, col 15, lines 24-43; col 18, lines 55-65). It



would have been obvious to one having ordinary skill in the art to incorporate the teachings of auditing and tracking changes to existing network configuration of a device taught by O'Toole into the system of the Brown to detect network activity governed by malicious code transmitted by device because it will provide detection of malicious code entering and leaving a system.

### ***Response to Arguments***

20. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a

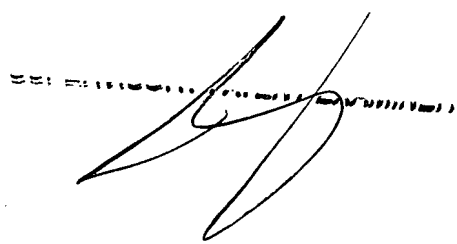
first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAS



**NATHAN FLYNN**  
**SUPERVISORY PATENT EXAMINER**